

REMARKS

Summary of Office Action

Claims 1-30 were pending in this application.

Claims 1-5, 11-16 and 21-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yamada et al., European Patent Pub. No. 0 444 496 (hereinafter "Yamada").

Claims 6, 16 and 26 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Yamada.

Claims 7-10, 17-20 and 27-30 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants note with appreciation the acknowledgement of the patentability of these claims. As discussed below, however, the claims from which these claims depend are also patentable. Accordingly, applicants have not rewritten them in independent form.

Applicants' Response to the Rejections under 35 U.S.C. § 102(b)

Claims 1-5, 11-16 and 21-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yamada. These rejections are respectfully traversed.

The pending claims are all directed to systems and methods for allowing a user to browse program listings while

viewing at least a substantial portion of a program on a display. As recited in independent claims 1, 11 and 21, at least one "interactive program listing" is displayed simultaneously with at least a substantial portion of a program. A second program is displayed "in response to receiving the selection" of the program listing from the user. Contrary to the Office Action's assertion in section 3, Yamada does not disclose such features.

Overview of Yamada

Yamada discloses a "video signal processing apparatus" for receiving satellite-broadcast and terrestrial-broadcast video signals (Yamada, p. 3, lines 14-16). The satellite-broadcast signals include four channels of video. Each channel of video includes a "data burst section" having "program content information" with the channel's designator and the category of the program that is currently broadcast on the channel (Yamada, p. 2, lines 22-34; p. 3, lines 27-31; p. 5, lines 1-11; FIG 2).

Yamada's apparatus is shown in FIG. 1. It includes two tuners, 3 and 7, which are used for the satellite and terrestrial channels, respectively. While the user is watching a terrestrial channel using tuner 7, the satellite tuner 3 is available to obtain the channel indicator and category information from the satellite channels for display

when desired. To view the information, the user presses an "information search button" on remote control 21 (Yamada, p. 4, line 45-46). Microcomputer 17 responds by sequentially fetching the information from each of the four satellite channels and sending it to character generator section 18 (Yamada, p. 4, lines 45-51, 54-55). Character generator section 18 generates "character information" from the channel indicator and category information, and "superposes" it onto a terrestrial-broadcast channel video in the arrangement of FIG. 2 (Yamada, p. 3, lines 53-55).

As shown in FIG. 2, the character information for the four satellite channels is displayed at the bottom of the screen and divided into four display areas, one for each satellite channel. Each display area includes the designator for each channel, and the category information that explains the content of the program currently broadcast on the channel (Yamada, p. 5, lines 1-11). The user may manually operate remote control 21 to tune to a desired satellite channel (Yamada, p. 5 lines 35-37).

Yamada Does Not Disclose Simultaneously Displaying
A Program And An Interactive Program Listing

Yamada discloses the simultaneous display of a video and program *category information*, not a video and program *listings* as recited in the claims. This is plain

from FIG. 2 itself, which shows the category labels "music", "drama," "news" and "sports." While these category labels may indicate something about the content of what is provided on the channels indicated in the display, they do not identify the programs on those channels. Yamada itself draws this distinction. Yamada notes that the category labels actually "**explain[]** the contents of the particular program."* Yamada, p. 4, lines 33-34, emphasis added. Nowhere does Yamada disclose displaying anything that identifies the actual program. Thus, with Yamada a user must still tune away from video in area 19 to know what **program** is on the listed channels.

Applicants' acknowledge that the Examiner may give a claim term its broadest reasonable interpretation. Applicants respectfully submit, however, that calling a category label and channel indicator a "program listing" when it does not in fact identify a program, is an unreasonable interpretation.

* See also Yamada, e.g., p. 4, lines 57-58 ("character information **representing the content** of the program"); p. 5, lines 4-5, emphasis added ("character information **representing the contents** of the present broadcast program"); p. 5, lines 28-30, emphasis added ("[i]t is therefore not necessary to switch to a program whose **content** the user wants to know."); p. 5, lines 19, emphasis added ("once the program **content** is changed") p. 5, line 49, emphasis added ("the program **content indicated** by a designated keyword").

Yamada Does Not Disclose Selecting A Program
Listing To "Display[] A Second Program"

Yamada does not show or suggest the user actually selecting the category information to display a second program. Applicants' respectfully submit that the Office Action, on p. 5, lines 36-41, has impermissibly read applicants' claimed feature into the reference.

Lines 33-37, on p. 5 of Yamada, discuss an example where a user desires a program of category "sports" and sees that such a type of program is available on a satellite channel. These lines do not say that a user selects Yamada's category information (i.e., "character information" once it is rendered) to display a second program:

When the user is desirous of viewing a sports program, he or she operates the search button of the remote controller 21 sometimes, so that as shown in FIG. 2, the character information is displayed In the case where the character [information] indicates a sport program at the fourth channel of the satellite broadcast in the display area 19E, for example, ***the remote controller 21 or the like is operated to switch to the fourth channel of the satellite broadcasting.***

(Yamada, p. 5, lines 33-37, emphasis added.) These lines actually suggest that a user must use the remote control to manually switch sources and indicate a channel number.

The remainder of the portion of Yamada cited by the Office Action simply states that tuner 3 switches among the satellite channels to obtain category data for the display, ***not to display a program:***

When a key word for the desired program content is designated by operating remote controller 21, therefore, the tuner 3 is switched as described above, and each channel of the satellite broadcasting is received.

(Yamada, p. 5, lines 39-41.) The tuner is "switched as described above" in order to receive "each channel" because the category data are provided on each channel separately. Yamada, p. 5, lines 39-41. To have all of the information for the display of FIG. 2, the tuner must "sequentially fetch and decode" the category information from each channel. Yamada, p. 4, lines 45-51.

Nowhere else does Yamada disclose applicants' claimed feature.

Dependent Claims 2-5, 12-15 and 22-25

The Office Action rejects applicants' dependent claims 2-5, 12-15 and 22-25 without support. As discussed above, Yamada discloses program categories. These are not program listings (applicants' claims 2, 4, 5, 12, 14, 15, 22, 24, and 25). In addition, Yamada does not say what types of video the broadcast video may be (applicants' claims 3, 13 and 23). For these additional reasons the rejections of applicants' claims 2-5, 12-15 and 22-25 should be withdrawn.

Applicants' Response to the
Rejections under 35 U.S.C. § 103(a)

Claims 6, 16 and 26 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Yamada. These claims depend from independent claims 1, 11 and 21, respectively, which are patentable over Yamada. Accordingly the rejection of claims 6, 16 and 26 should be withdrawn.

("If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); MPEP § 2143.

Applicants' Previously-Submitted Non-Obviousness Declaration

Applicants' previously submitted the Davis Declaration to demonstrate the nonobviousness of the claimed inventions.* Applicants respectfully submit that, in addition to being novel over Yamada, the pending claims are non-obvious in view of Yamada for the reasons set forth in the Davis Declaration.

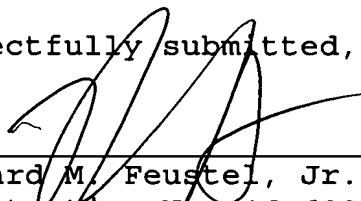
Conclusion

For at least the reasons set forth above, applicants respectfully submit that this application is in

* After fully considering the Davis Declaration, the Examiner withdrew a prior obviousness rejection of the current claims that was based on the Young-Reiter combination (see Applicants' August 26, 2004 Reply to Final Office Action p. 3).

condition for allowance. Reconsideration in light of the foregoing remarks and a favorable action are respectfully requested.

Respectfully submitted,



Richard M. Feustel, Jr.
Registration No. 46,698
Attorney for Applicants

Fish & Neave IP Group
Ropes & Gray LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020
Tel.: (212) 596-9000